



**National Association of
Councils on Developmental Disabilities**

Washington Update

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The Supreme Court has announced that it will rule on the Affordable Care Act Thursday, June 28th at 10 am.

House Labor-HHS Appropriations Bill Stalls

While it was reported that Chairman Rehberg (R-MT) was targeting June 20 for consideration of the House Labor-HHS Appropriations bill, the Subcommittee did not mark up its bill and still has not officially set a date for consideration. It is possible that a markup of the House Labor-HHS bill will be held after the House gets back from the 4th of July recess. In any case, final consideration on the Labor-HHS Appropriations bill is not expected until after the November elections.

Senate HELP Committee Hears Testimony About Continued Support for *Olmstead*

The Senate HELP Committee held a [hearing](#) on June 21 regarding the legacy and continued efforts to implement the *Olmstead* decision. Speakers included Thomas Perez, the Assistant Attorney General of the Civil Rights Division of the U.S. Department of Justice (DOJ); Henry Claypool, Principal Deputy Administrator of the Administration for Community Living (ACL) and Senior Advisor for Disability Policy to HHS Secretary Sebelius; Rita Landgraf, Secretary of the Delaware Department of Health and Social Services; Zelia Baugh, the Commissioner of the

Alabama Department of Mental Health; and Ricardo Thornton, a leading self-advocate in Washington, D.C.

After opening remarks by Senator Harkin about the importance of *Olmstead*, Ranking Member Senator Michael Enzi (R-WY) spoke about his support of an inclusive community dedicated to individual self-determination: “More important than any bureaucracy, the *Olmstead* decision is about helping people so they can live where they want to live...” Senator Enzi spoke in favor of flexible state and local funding with money following eligible individuals.

Mr. Perez emphasized DOJ’s commitment to people with disabilities having the same opportunities to live a fully integrated life as people without disabilities. He highlighted the efforts DOJ has made to enforce *Olmstead* including the increase in HCBS waivers and competitive employment plan resulting from the recent Virginia de-institutionalization settlement. Mr. Claypool spoke about the recent partnerships between HUD and HHS and the new Administration on Community Living (ACL) which has the goal that “all Americans should have the right to live in a home of their choosing, with people whom they care about, that is integrated into a community that values their participation and their contributions – and the Administration for Community Living will work to support that vision.”

Ricardo Thornton, a leading self-advocate in Washington, DC, wrapped up the hearing by describing the successful life with his wife, son and granddaughter, and his career at the Martin Luther King library that he has had after he left the infamous Forrest Haven institution where grew up. “The time needs to be over for people to be sent to institutions because there aren’t options in the community or because people think it’s cheaper or more protected,” Mr. Thornton said. “It wastes people’s lives and, in the long run, keeps them from contributing.”

UN Investigates Cruel Treatment in Judge Rotenberg Center

The United Nations is conducting an investigation of the Judge Rotenberg Center in Massachusetts following the release of a video showing a student who was electro-shocked 31 times over seven hours to “discipline” him. The shocks left the child catatonic and hospitalized for over a month. The UN has assigned a Special Rapporteur on Torture to investigate whether the Judge Rotenberg Center violated the UN Convention against Torture. This graphic video has also fueled domestic efforts to ban inhumane treatment of students.

Senate HELP Committee Hearing: Beyond Seclusion & Restraints. Thurs, July 12th

The Senate HELP Committee has called for a hearing entitled Beyond Seclusion and Restraint: Creating Positive Learning Environments for All Students. Scheduled for 10:00 am Eastern time on July 12th, the hearing will examine the injustices of current seclusion and restraint practices as well as more effective means to teach constructive social skills. Witnesses include Dr. Daniel Crimmins, Director of the Center for Leadership in Disability, Georgia State University; Cyndi Pitonyak, Coordinator of Positive Behavioral Interventions and Supports; Dr.

Michael George, Director of Centennial School, a school to educate children with autism or severe emotional disturbances; and Debbie) Jackson, parent.

The hearing may be viewed live at www.help.senate.gov

Bill for Social Security Act to Get a People-First Update

Senators John Kerry (D-MA) and Charles Grassley (R-IA) have introduced [S. 3289](#) the Children's Mental Health Accessibility Act to (among other things) change the demeaning term "mentally retarded" to "intellectually disabled" in the Social Security Act, in line with previous changes of Rosa's Law that apply elsewhere in federal law. The bill has been referred to the Senate Finance Committee.

Walgreens Invites Other Companies to Join Effort for Integrated Equal Employment of People with Disabilities

Walgreens, a leader in integrated, competitive employment of people with disabilities, hosted a June 4 summit to share the success of its Anderson, South Carolina distribution center. Walgreens was joined by more than a dozen leading companies and lawmakers at the Connecticut summit.

In addition to Governor Dan Malloy (D-CT), Vice Chair of the National Governors Association, Senator Tom Harkin (D-IA), Senator Richard Blumenthal (D-CT) and Congressman Pete Sessions (R-TX-32d, participants included representatives of Ascend Performance Materials, Best Buy, Clarks Companies, Ernst & Young LLP, GE Lighting, IBM, Lowe's Home Improvement, Lundbeck, McLane Company, Merck, OfficeMax, SAP AG, Procter & Gamble, UPS, and Walmart..

To follow up on this summit, business participants are making plans to meet at the Business Leadership Network conference this fall and to hold additional summits in Washington D.C. and Dallas, Texas. They are also planning to set up a website to share best practices, address barriers, and further promote integrated employment of people with disabilities.

"The Walgreens facility is powerful proof that people with disabilities are valuable assets to our workforce," said Senator Blumenthal

CMS Releases State Profiles on Dual Eligibles

CMS has released [state profiles](#) intended for government agencies, researchers, and advocates to better understand the demographic characteristics, utilization, and spending patterns of people who are dually eligible for Medicare and Medicaid. CMS has also included a [summary of the data collection methodology](#).

States to Receive Federal Matching Funds for De-Institutionalization

Iowa, Georgia, Mississippi, and Missouri will be receiving additional FMAP funds starting this fall through the [Balancing Incentives Payment Program](#). The money will be used to change the state financing systems to provide more home and community based services instead of institutional care. New Hampshire and Maryland continue their existing Balancing Incentives Payment Programs.

Government Accountability Office Releases report on Bullying Laws

The Government Accountability Office has released a report, [School Bullying: Extent of Legal Protections for Vulnerable Groups Needs to Be More Fully Assessed](#). The report examines the anti-bullying laws in 8 of the 49 states that have adopted them. As well as being a helpful tool for advocates, the report could be an asset to Congress as it re-writes the Elementary and Secondary Education Act.

CCD Testifies Before House Ways and Means Committee About Appeals of Initial Denials for Social Security Disability Benefits

The Consortium for Citizens with Disabilities, represented by Ethel Zelenske, a Co-Chair of CCD's Social Security Task Force [testified](#) before the House Ways and Means Committee on June 27 regarding the current state of appeals of initial applications for Social Security benefits, including:

- improvements that the Social Security Administration has made to decrease the amount of time that it takes for a claimants to receive hearing on their application;
- improvements in the technology used for electronic submission of documents and video conferencing to reduce transportation barriers;
- support of the current non-adversarial approach taken in SSI hearings and emphasis of the need for administrative judges to provide a check on DDS decisions;
- Support of President Obama's plan to increase SSA's budget to allow all sites currently hearing SSI requests to stay open and retain appropriate staff to provide assistance to people who are applying, and to reduce the backlog of applications and appeals.

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